



California Regulatory Notice Register

REGISTER 2010, NO. 27-Z

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PROPOSED ACTION ON REGULATIONS

TITLE 2. VICTIMS COMPENSATION AND GOVERNMENT CLAIMS BOARD

Victim Compensation Program Regulations — Notice File No. Z2010-0621-05 1005

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Construction Safety Orders — Notice File No. Z2010-0621-01 1007

- Maximum Allowable Load
- Definitions of “Manifold” and “Header”

TITLE 9. DEPARTMENT OF MENTAL HEALTH

Mental Health Services Act General System Development Housing — Notice File No. Z2010-0621-03 1012

TITLE 9. DEPARTMENT OF MENTAL HEALTH

Medi-Cal Mental Health Plan Contractual Obligations — Notice File No. Z2010-0621-04 1014

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Revision and Reformatting of Notice of Appointment/Termination — Notice File No. Z2010-0622-02 1016

TITLE 16. BOARD OF OPTOMETRY

Continuing Optometric Education — Notice File No. Z2010-0622-07 1018

TITLE 19. STATE FIRE MARSHAL

Hospital Fabrics — Notice File No. Z2010-0622-01 1020

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

List of Prospective Contractors Required to Submit a Nondiscrimination Program or California Employer Identification Report 1022

DEPARTMENT OF FISH AND GAME

CESA Consistency Determination Request for Norwood Avenue Bridge Replacement at Arcade Creek Project (2080-2010-023-02), Sacramento County 1023

(Continued on next page)

***Time-
Dated
Material***

DEPARTMENT OF FISH AND GAME

<i>CESA Consistency Determination Request for Santa Maria Public Airport District Master Plan Update Phase I Project (2080–2010–025–05), Santa Barbara County</i>	1024
---	------

DEPARTMENT OF FISH AND GAME

<i>CESA Consistency Determination Request for Burson Rehabilitation Project (2080–2010–022–02), Calaveras County</i>	1024
--	------

DEPARTMENT OF FISH AND GAME

<i>CESA Consistency Determination Request for Airfield Park Project (2080–2010–024–03), Sonoma County</i>	1025
---	------

DEPARTMENT OF FISH AND GAME

<i>Draft Environmental Joint Impact Report/Environmental Impact Statement for Klamath Settlement Determination</i>	1025
--	------

RULEMAKING PETITION DECISION

AIR RESOURCES BOARD

<i>Regarding Petition from Growth Energy to Amend Low Carbon Fuel Standard</i>	1029
--	------

DISAPPROVAL DECISION

AIR RESOURCES BOARD

<i>Enhanced Fleet Modernization Program</i>	1030
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SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	1031
Sections Filed, January 20, 2010 to June 23, 2010	1034

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. VICTIMS COMPENSATION AND GOVERNMENT CLAIMS BOARD

VICTIM COMPENSATION PROGRAM REGULATIONS

Title 2, §§ 647.4, 649.14–649.62

[Notice Published July 2, 2010]

The Victim Compensation and Government Claims Board (Board) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action; however, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on August 16, 2010. The Board will consider only comments received at the Board's office by that time. Submit written comments to:

Geoff Feusahrens, Regulations Analyst
Victim Compensation and Government
Claims Board
400 R Street
Sacramento, CA 95811

Comments may also be submitted by facsimile (FAX) at (916) 491–6439 or by e-mail to regulations@vcgcb.ca.gov.

AUTHORITY AND REFERENCE

Government Code sections 11400.20, 13920 and 13974 authorize the Board to adopt these proposed regulations. The proposed regulations implement, interpret and make specific Government Code sections 13951, 13952, 13953, 13954, 13955, 13956, 13957, 13957.2, 13957.5, 13957.7, 13957.9, 13958, and 13959.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Victim Compensation and Government Claims Board implements the Victim Compensation Program (VCP). The rule-making action proposed the following changes to VCP regulations.

This rule-making action implements legislation effective January 1, 2010, allowing additional relocation benefits for unusual, dire, and exceptional circumstances. The rule-making action also includes several provisions to clarify regulatory language and correct grammar.

The rule-making action requires that VCP inform applicants and representatives of the right to a hearing, but eliminates the mandated text for each notice of denials so that the Program can have flexibility to re-write the notice to communicate effectively depending on the needs of applicants.

It also specifies that the eligibility of a minor witness shall not be affected by the eligibility of the victim(s) or derivative victim(s). The rule-making action removes language regarding a person who is eligible as both a victim and a derivative victim that is inconsistent with Government Code sections 13955, 13957(a)(1), and 13957.5.

It revises language stating that, if an applicant files an application within 90 days of the first pecuniary loss, the application is considered good cause timely filed to provide that the time that the applicant discovers that he or she has suffered a pecuniary loss will be considered in determining whether good cause exists to accept a late application.

The rule-making action clarifies that food, clothing, and personal items are only reimbursed as relocation benefits in emergencies. It also addresses newly enacted Government Code section 13957(a)(2)(E)(SB 314), which allows the Board to increase the cash payment or reimbursement for relocation to an amount greater than \$2,000, if the Board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim effective January 1, 2010. It defines what is and is not considered unusual, dire, or exceptional circumstances, the necessary verification when the relocation is based upon the emotional

well-being of the applicant or concerns for personal safety, and the requirement that the applicant relocate a minimum number of miles from the crime if they are the victim of on-going threats or retaliation.

The rule-making action codifies the Board's interpretation of its statutes and current practices and provides guidance regarding compensation for home security and the purchase of vehicles.

The VCP has accepted CMS 1450, CMS 1500, and American Dental Association bill forms for the convenience of the applicants. The rule-making action identifies commonly used billing forms and specifies that VCP may require the use of the form.

Government Code section 13957.9 authorizes the Board to enter into agreements with a qualified non-profit agency that utilizes the Restitution Fund at a significant level on a regular and constant basis. The rule-making action raises the minimum level of utilization of reimbursement from the Restitution Fund from \$10,000 to \$100,000 during the previous fiscal year for mental health services in order for a qualified provider to have an agreement with the Board.

The rule-making action clarifies that VCP may only reimburse income loss for the statutory time period, even if the victim has had breaks in the disability period or received reimbursement from other sources for portions of the disability period. It also clarifies the language regarding the legal dependency of minors for the purposes of income and support loss.

It includes revisions to the regulations governing reimbursable sources, human trafficking, participation in the crime, and mitigation of involvement in the events leading up to the qualifying crime for consistency with the governing statutes and clarity.

It allows VCP staff to deny an application or supplemental claim for lack of cooperation with the Board or VCP staff when the applicant does not apply for benefits from other sources including, but not limited to, workers' compensation, state disability insurance, Social Security benefits, and unemployment insurance.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None
Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private individual or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulations do not affect small businesses because the regulations only apply to individuals who apply to the VCP.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private individuals than the proposed action.

The Board invites interested individuals to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Geoff Feusahrens
Victim Compensation and Government Claims
Board
400 R Street
Sacramento, CA 95811
Telephone: (916) 491-3863

The backup contact person for these inquiries is:

Roslyn Mack
Victim Compensation and Government Claims
Board
400 R Street Sacramento, CA 95811
Telephone: (916) 491-3605

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Geoff Feusahrens at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies may be obtained by contacting Geoff Feusahrens at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Geoff Feusahrens at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Geoff Feusahrens at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regula-

tions in underline and strikeout can be accessed through our website at www.vcgcb.ca.gov.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **August 19, 2010**, at 10:00 a.m.
in the Auditorium of the State
Resources Building,
1416 9th Street, Sacramento,
California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **August 19, 2010**,
following the Public
Meeting,
in the Auditorium of the State
Resources Building,
1416 9th Street, Sacramento,
California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **August 19, 2010**,
following the Public
Hearing,
in the Auditorium of the State
Resources Building,
1416 9th Street, Sacramento,
California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE

Disability accommodation is available upon request. Any person with a disability requiring an accommoda-

tion, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders, as indicated below, at its Public Hearing on **August 19, 2010**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4,
Article 29
Section 1709
Maximum Allowable Load
2. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4,
Article 32
Section 1742
**Definitions of "Manifold" and
"Header"**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 4,
Article 29
Section 1709
Maximum Allowable Load

**INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW**

This rulemaking is the result of an Occupational Safety and Health Appeals Board (OSHAB) Decision in DPS Plastering, Inc., Docket 03-R3D3-2731, dated April 2, 2008, in which the employer received a citation from the Division of Occupational Safety and Health (Division) for overloading part of a suspended ceiling structure in excess of its designed capacity. There was an employee applying the second of three coats of plaster to a suspended ceiling from a scaffold when the ceiling collapsed striking the employee and seriously injuring him. The Division's subsequent accident investigation revealed the cause of the collapse to be the failure of the ceiling suspension system.

The OSHAB Administrative Law Judge (ALJ) dismissed the citation. The standard's lack of a definition of the term "designed capacity" led the ALJ to use extrinsic definitions which in turn led him to focus on the architect's design for the structure, a focus which gave rise to evidentiary problems that resulted in the failure of the Division's case. An additional problem for the Division was the ALJ's conclusion that the cited employer, a plaster subcontractor, was not responsible for the building design, and that, for this reason as well, it was not proper to cite that employer for violating Section 1709(a).

Board staff believes Section 1709(a) should be clarified so that it may better help prevent serious injuries of the sort that befell the employee in the OSHAB matter.

Section 1709. General Requirements.

This section contains general requirements for the erection and construction of structures, including but not limited to, load bearing capacity, bracing, wood floor construction, and erection guides for trusses and beams over 25 feet long.

Existing subsection (a) prohibits any building, structure, or part thereof, or any temporary support or scaffolding from being overloaded in excess of its designed capacity.

Amendments are proposed to clarify that none of the structures indicated above are to be subjected to loads unless it is determined to be safe to do so by a qualified person who has experience in structural design. The proposed wording is derived from federal standards (29 CFR 1926.451(a)(6) and 1926.701(a)). The proposed

amendment will require the employer to consult with a qualified person with experience in structural design prior to placing a load on a building, structure, structural member, or scaffold that the load can be safely supported. The proposal enhances employee safety by removing reliance on an ambiguous term “design capacity” and removing ambiguity as to who is responsible for determining the structure’s ability to bear the load.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur addi-

tional costs in complying with the proposal. Furthermore, this regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: CONSTRUCTION SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 4,
Article 32
Section 1742
**Definitions of “Manifold” and
“Header”**

**INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW**

This staff-initiated rulemaking proposal is the result of an Occupational Safety and Health Appeals Board (OSHAB) Decision in Cherne Contracting Corporation, Dockets 07–R6D3–0612 through 0616, dated December 10, 2008. The employer was cited by the Division of Occupational Safety and Health (Division) for failing to have oxygen and acetylene manifold and header hose connections capped when not in use. The Division conducted a complaint-based inspection and alleged that the hose connections to the cylinders on an unattended oxy-acetylene rolling cart were not capped. OSHAB hearing testimony indicated that employer representatives were not able to state when the cylinders were last used. The Division testified that the words “regulator” and “manifold,” when used in connection with gas cylinders, are used interchangeably. However, the employer’s superintendent testified that the words have different meanings whereby regulators are used to control the flow of gases out of cylinders, while manifolds are devices with multiple outlets that allow a gas cylinder, or set of cylinders, to be used for more than one set-up at a time. The Division was unable to state when asked where the “header” hose of each cylinder should have been capped. The Appeals Board sided with the superintendent’s description of “manifold” and stated that there was no evidence that the employer was using a manifold in connection with the oxygen and acetylene cylinders observed by the Division. Further, there was no evidence that any “header” hose connections were uncapped. Therefore, based on the lack of evidence to support the allegation of the citation, the appeal was granted.

This rulemaking action proposes amendments to Section 1742, entitled “Hose and Connections,” specifically to subsection (e), to include definitions of the terms “manifold” and “header” as used in this subsection. Board staff notes the National Fire Protection Association (NFPA), Glossary of Terms, defines these commonly used terms. Federal OSHA uses the terms “manifold” and “header” throughout 29 Code of Federal Regulations (CFR) but does not specifically define them. Federal OSHA does, however, define “header pipe,” but only as it pertains to exhaust systems and not in the context used in the welding industry. By clarify-

ing the meaning of the aforementioned terms as used in Section 1742(e), employers will understand which devices need to be capped to control the hazards of ignition, fire and explosion.

Section 1742. Hose and Connections.

Existing Section 1742 establishes requirements for fuel gas hose systems and their connections. Existing subsection (e) requires manifold and header hose connections be capped when not in use.

Amendments are proposed to add NFPA definitions to subsection (e) of Section 1742 for the terms “header” and “manifold.” These are national consensus definitions for terms used in Article 32 with specific reference to the use of compressed gas cylinders which will clarify to employers and enforcement personnel the proper connections to be capped. Confusion on the part of the employer as to what a “header” or “manifold” is, could potentially lead to a fire and/or explosion if this equipment is not capped and fuel gas is accidentally ignited. This proposal will aid the regulated public’s understanding of the requirements of this standard.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. [See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.]

The proposed regulation does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been

identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274–5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than August 13, 2010. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on August 19, 2010, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274–5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274–5721.

You can access the Board’s notice and other materials associated with this proposal on the Standards Board’s homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is pre-

pared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 9. DEPARTMENT OF MENTAL HEALTH

TITLE 9, CALIFORNIA CODE OF REGULATIONS

**Mental Health Services Act General System
Development Housing
Notice published: July 2, 2010**

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Mental Health ("Department") is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a public hearing starting at 10:00 a.m. on August 18, 2010, at the California Department of Water Resources Auditorium located at 1416 9th Street, 1st Floor in Sacramento, California. The Auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted by facsimile (FAX) at 916-651-3852 or by e-mail to Regulations@dmh.ca.gov. The written comment period closes at **5:00 p.m. on August 16, 2010**, or at the conclusion of the public hearing, if any, whichever comes later, to the contact person listed below. The Department will consider only comments received at the Department offices or at the public hearing, by that time. Submit comments to:

Stephanie L. Fields
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1446

Backup Contact:

Alice Lee
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 654-2319

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 5898 of the Welfare and Institutions Code, the Department of Mental Health (Department) is seeking changes to Division 1 of Title 9 of the California Code of Regulations as follows: Adopt Article 2, Sections 3200.028 and 3200.252, Amend Article 6 Sections 3630 and 3650, and Adopt Article 6, Sections 3630.05, 3630.10, and 3630.15. This proposed action implements, interprets, and makes specific Welfare and Institutions Code sections 5813.5, 5878.1, 5664, 5830, 5847, and 5848.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the circumstances when housing is an eligible expenditure under Community Services and Supports (CSS) General System Development (GSD). CSS is a component within the Mental Health Services Act (MHSA). Housing expenditures under GSD shall be allowable when they expand housing resources.

The California voters approved Proposition 63 during the November 2004 General Election. Proposition 63 became effective on January 1, 2005 as the Mental Health Services Act (MHSA). The MHSA expands mental health services to children/youth, adults and older adults who have serious mental illness or serious emotional disturbance and whose service needs are not being met through other funding sources. Through imposition of a 1% tax on personal income in excess of \$1 million, the MHSA provides the opportunity for the Department of Mental Health (DMH) to offer increased funding, personnel and resources to support county mental health programs and monitor progress toward statewide goals for children/youth, adults, older adults and families.

The MHSA directs the county mental health programs to develop and submit a three-year plan to DMH, which DMH has called the Three-Year Program and Expenditure Plan (Plan). The Plan is comprised of five components of activities and/or services for which the funding established under the MHSA can be spent. The components are Community Services and Supports for children, transition-age youth, adults and older adults; Capital Facilities and Technological Needs; Workforce

Education and Training; Prevention and Early Intervention; and Innovative Programs.

Given the scale of each component, DMH is implementing each component on a sequential and/or phased-in approach. Accordingly, regulations related to each component are being drafted through a concurrent process as the MHSA components are developed. The Department drafted regulations governing the Community Services and Supports first and these were made final in February 2008. Since it was imperative that the Department begin to distribute funds to the Counties to allow the programs and services to commence, the Department included in this initial regulatory package, fiscal reporting requirements and implemented regulations based on its authority in the law and its current accounting system.

These proposed regulations clarify the circumstances when housing is an eligible expenditure under Community Services and Supports (CSS) General System Development (GSD). Housing expenditures under GSD shall be allowable when they expand housing resources.

Supporting documentation and relevant materials the Department relied upon in the Initial Statement of Reasons and/or the Informative Digest include,

DMH Information Notice 08-05 Community Services and Supports GSD Housing
(*Superseded by DMH Information Notice: 08-12*)

Enclosure 1 — Examples of Community Services and Supports— General System Development Housing Costs (Project-Based)

DMH Information Notice 08-12 Community Services and Supports GSD Housing
(*Supersedes DMH Information Notice: 08-05*)

Enclosure 1 — Examples of Community Services and Supports — General System Development Housing Costs (Project-Based)

Enclosure 2 — County Certification — General System Development Housing

Enclosure 3 — General System Development Project Fact Sheet

Enclosure 4 — Annual Status Report — General System Development Project

DMH Information Notice 08-31 Community Services and Supports GSD Housing
— Project-Based Operating Subsidy Clarification

This Informative Digest accompanies the proposed regulations to amend two regulations and adopt five regulations, located in the California Code of Regula-

tions Title 9, Division 1, Chapter 14, Article 2, Definitions and Article 6, Community Services and Supports which expands an existing service category within the already existing component of the CSS.

THE DEPARTMENT HAS MADE THE FOLLOWING INITIAL DETERMINATIONS

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses with California; or
- (3) affect the expansion of business currently doing business within California.

Significant effect on housing costs: None.

BUSINESS IMPACT/SMALL BUSINESSES

The Department of Mental Health has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610. The impact is limited to County budget offices who would have performed the financial calculations related to completing the Annual Revenue and Expenditure Report and does not require any significant change in their business practices.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (1)(13), the Department must determine that no reasonable alternative which it will consider or that will otherwise be identified and brought to

its attention will be more effective in carrying out the purpose for which this action is proposed or will be as effective and less burdensome to affect private persons than the proposed action described in this Notice.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Stephanie L. Fields
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1446

Backup Contact:

Alice Lee
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 654-2319

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, or other information upon which the rulemaking is based to Ms. Fields at the above address. Comments may also be submitted by facsimile (FAX) at (916) 651-3852 or by e-mail to Regulations@dmh.ca.gov. Comments must be submitted prior to **5:00 p.m. on August 16, 2010**.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The Department has available the rulemaking file for inspection and copying at its office at 1600 9th Street room 435, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based. These documents may also be viewed and downloaded from the Department's website at www.dmh.ca.gov.

Following the public comment period the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written com-

ments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Fields at the above address or on the Department's website at www.dmh.ca.gov.

TITLE 9. DEPARTMENT OF MENTAL HEALTH

TITLE 9, CALIFORNIA CODE OF REGULATIONS Medi-Cal Mental Health Plan Contractual Obligations Notice published July 2, 2010

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Mental Health (DMH) is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

DMH will hold a public hearing starting at 10:00 a.m. on August 16, 2010, at the California Department of Water Resources Auditorium located at 1416 9th Street, 1st Floor in Sacramento, California. The Auditorium is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. DMH requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DMH. Comments may also be submitted by facsimile (FAX) at 916-651-3852 or by e-mail to Regulations@dmh.ca.gov. The written comment period closes at **5:00 p.m. on August 16, 2010**, or at the conclusion of the public hearing, if any, whichever comes later, to the contact person listed be-

low. DMH will consider only comments received at DMH offices or at the public hearing, by that time. Submit comments to:

Stephanie L. Fields
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1446

Backup Contact:

Heidi Lehrman
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-3847

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 14680 of the Welfare and Institutions Code, the Department of Mental Health (DMH) is seeking changes to Title 9, Division 1, Chapter 11, of the California Code of Regulations as follows: Amend Article 1, Section 1840.112, Amend Article 2, Sections 1850.213, 1830.215, 1820.220 and 1820.225, Amend Article 3, Section 1810.317, 1810.321, 1810.323, 1810.326, 1810.345, 1810.350, 1810.360, 1810.365, 1810.375, 1810.376 and 1810.380 and Amend Article 4, Sections 1810.425, 1810.430, 1810.435, 1810.436, 1810.438 and 1810.439. This proposed action implements, interprets, and makes specific Welfare and Institutions Code sections 5650, 5718, 5719, 5724, 5767, 5775, 5776, 5777, 5778, 14005.9, 14007.5, 14011, 14024, 14134, 14142, 14682, 14683, and 14684; Health and Safety Code 1340 et seq.; Title 42 United States Code sections 1396 and 1396a.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the administrative requirements from contracts with DMH for the provision of Specialty Mental Health Services not mandated by statute or regulations and identifies contractual requirements that would be more appropriately codified in regulations.

DMH administers the Medi-Cal Specialist Mental Health Services Consolidation Waiver Program via a federal 1915(b) waiver of specific provisions of Title XIX of the Social Security Act. The waiver was originally approved by the Centers for Medicare and Medic-

aid Services (CMS) in 1995 and has been renewed on an ongoing basis.

Under the Medi-Cal Specialty Mental Health Services Consolidation Waiver Program, Mental Health Plans (MHPs) are required to contract with DMH for the provision of Specialty Mental Health Services (defined at California Code of Regulations (CCR), Title 9, section 1810.247) to Medi-Cal recipients. An MHP may be a county, counties acting jointly, or another governmental or non-governmental entity. DMH and MHPs share the financial risk of providing services.

During fiscal year (FY) 2007-08, DMH convened a workgroup to review the contract for relevance. The workgroup had representation from the County Mental Health Directors Association (a non-profit organization comprised of county mental health directors) and DMH staff. The workgroup's chief concern was to reduce the MHPs' administrative burden by removing requirements from the contract not mandated by statute or regulation and identifying contractual requirements that would be more appropriately codified in regulation.

Supporting documentation and relevant materials DMH relied upon in the Initial Statement of Reasons and/or the Informative Digest include:

Medi-Cal Mental Health Plan Boilerplate Contracts (ending June 2009).

This Informative Digest accompanies the proposed regulations to amend 22 regulations located in the California Code of Regulations Title 9, Division 1, Chapter 1; Article 1, General; Article 2, Administration and Provision of Services; and Article 4, Standards.

DMH HAS MADE THE FOLLOWING INITIAL DETERMINATIONS

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None

Other nondiscretionary cost or savings imposed on local agencies: None

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: DMH is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses with California; or
- (3) affect the expansion of business currently doing business within California.

Significant effect on housing costs: None.

BUSINESS IMPACT/SMALL BUSINESSES

The Department of Mental Health has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses as defined by section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (1)(13), DMH must determine that no reasonable alternative which it will consider or that will otherwise be identified and brought to its attention will be more effective in carrying out the purpose for which this action is proposed or will be as effective and less burdensome to affect private persons than the proposed action described in this Notice.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Stephanie L. Fields
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-1446

Backup Contact:

Heidi Lehrman
Department of Mental Health
1600 9th Street, Room 435
Sacramento, CA 95814
(916) 651-3847

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, or other information upon which the rulemaking is based to Ms. Fields at the above address. Comments may also be submitted by facsimile (FAX) at (916) 651-3852 or by e-mail to Regulations@dmh.ca.gov. Comments

must be submitted prior to **5:00 p.m. on August 16, 2010**.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

DMH has available the rulemaking file for inspection and copying at its office at 1600 9th Street room 435, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based. These documents may also be viewed and downloaded from DMH's website at www.dmh.ca.gov.

Following the public comment period DMH may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony if a public hearing is held, or who have requested notification of any changes to the proposal.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Fields at the above address or on DMH's website at www.dmh.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by August 16, 2010, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Regulation 1003 Notice of Appointment/Termination was replaced by New PAM, Chapter 4: Notifications on October 2, 2008. Regulations 9040 and 9041 are found in Chapter 4. Currently, Regulation 9040 specifies the employment status notification requirements for peace officer, public safety dispatchers, and records supervisors. For clarity, Regulation 9040 is amended to separate reserve peace officers, previously incorporated within the peace officer status. Regulation 9040(a)(1)(A) Appointment and Termination Actions and 9040(a)(1)(C) Rank/Status Classification Changes are amended to add peace officer and reserve peace officer to the lists for clarity. Regulation 9041 specifies the disqualification notifications for former peace officers. Regulation 9041 is amended to specify which law enforcement agency notifies POST when a peace officer or former peace officer is adjudged guilty of a felony offense.

Document Incorporated by Reference

Notice of Appointment/Termination, POST 2-114 (Rev. 08/2008)

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for

the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal Impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Sections 17500-17630 Require Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

Assessment

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Kelli Dugranrut, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816–7083, by email at Kelli.Dugranrut@post.ca.gov, by telephone at (916) 227–4854, or by fax at (916) 227–5271. Patti Kaida is the back-up contact person for this proposal. Patti is available by telephone at (916) 227–4247 or by email at Patti.Kaida@post.ca.gov.

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: www.post.ca.gov/regulationsNotices/Regulation.asp.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 16. BOARD OF OPTOMETRY

NOTICE IS HEREBY GIVEN that the Board of Optometry (hereafter “Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice must be received by the Board at its office not later than 5:00 p.m. on August 16, 2010 or must be received by the Board at the hearing.

A hearing in this matter has been scheduled for August 16, 2010 from 10:00 a.m. to 12:00 p.m., in the Yosemite Room, at 2420 Del Paso Road, Sacramento, California 95834. All interested parties will be heard at that time.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text with the exception of technical or grammatical changes. The full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit

written testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 3059 of the Business and Professions Code, and to implement, interpret or make specific Section 3059 of said Code, the Board of Optometry is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Business and Professions Code (BPC) section 3025 the Board may promulgate rules and regulations governing procedures of the Board, the admission of applicants for examination for certificates of registration as optometrists, and the practice of optometry. The Board is proposing the following changes:

Amend Title 16, CCR section 1536.

Sub-section (a) is amended for grammatical, style and clarity purposes. It is also amended to add the option of course work in optometric ethics. Currently, optometrists certified to use therapeutic pharmaceutical agents (TPA) are required to take 50 hours of CE every two years in order to renew their license. Thirty-five of the required fifty hours must in the diagnosis, treatment and management of ocular disease. This new option to take a course in ethics would be part of the fifteen left over hours needed to complete the fifty hours of CE. Existing law states that licensees may take up to eight hours in patient care management. Board staff has found that adding an additional option to this requirement in sub-section (a) would be beneficial for the practice of optometry if the licensee chooses to do a few hours in ethics. Although it is not required, the licensee should have the option to choose a course in this subject matter.

Sub-section (b) is amended for grammatical, style and clarity purposes only.

Sub-section (c)(4) is added to the regulation to allow for the option of obtaining up to two CE credits for a full day’s attendance at a Board meeting. Currently, very few, if any, licensees attend Board meetings. Board meetings can educate licensees about optometric issues which could affect their practice, as well as how the Board operates. The Board holds at least four meetings a year at different sites throughout the state. This gives as many licensees as possible the opportunity to attend Board meetings. The licensees are made aware of public meetings approximately ten days prior to the meeting, or they may contact the Board for information. Again, this is another option that is not required, but should be made available. Not only would licensees earn two CE credits for attending, but they would have the opportunity to stay up to date on Board issues and

actions, and have a voice on matters important to their profession. Two hours of CE were allotted for this option to allow for variety in a licensee's CE selections.

Sub-section (c)(5) is added to the regulation to allow licensees the opportunity to get up to four CE credits for receiving certification at a course in cardiopulmonary resuscitation (CPR) from the American Red Cross or the American Heart Association. Effective January 1, 2007, Senate Bill 579 (Aanestad, Chapter 302, Statutes of 2007) eliminated CPR certification as a condition for renewal of an optometric license. Thus, optometric licenses that expired on or after January 1, 2007 were no longer required to maintain a CPR certification. Although this course is no longer required, the Board feels this CE opportunity should be made available, since CPR is a vital skill for a health practitioner to have. Four hours were allotted for this option because CPR certification courses are typically a rigorous 10–13 hours. It would not be beneficial for licensee to have so many hours in one topic. The intent of adding a variety of CE options is to increase a licensee's knowledge to make them a more effective health practitioner, not simplify the accumulation of CE credits by allowing almost all credit hours to be obtained in one course.

Sub-sections (e)(1–3), (f), (g)(14), and (h)(1–8) are amended for grammatical, style and clarity purposes only.

Sub-section (h) is amended to allow the Board to recognize and utilize the Association of Regulatory Boards in Optometry's (ARBO) Optometric Education (OE) Tracker system as proof of continuing education. Existing law requires Board staff to request that licensees mail in hard copies of certificates of completion of CE courses. Often times this may result in additional, unnecessary paperwork for Board staff. Also, many optometrists lose their certificates of completion, making it difficult to obtain proof of attendance, consequently causing the hold of license renewals and potentially unneeded enforcement action.

ARBO's OE Tracker is designed to capture and verify optometrists' CE data for easy access by licensing Boards and optometrists. The information is stored in the secure ARBO database and can be retrieved by the licensing Boards to instantly track and audit the CE attendance of their licensees online. Benefits include:

- Verify CE attendance electronically;
- Save staff time by increasing efficiency;
- Reduce paperwork;
- Make CE auditing easier;
- Reduce CE reporting errors; and
- Eliminate the need for retention of paper CE certificates.

CE attendance data is only accepted and uploaded into OE Tracker if it is documented by the course ad-

ministrator. To ensure the integrity of data, individual optometrists do no input CE hours themselves. The proposed acceptance of this tracking tool, which is free to Boards and licensees, will improve the Board's continuing education program.

Sub-section (i)(1) is amended for grammatical, style and clarity purposes only.

Sub-section (i)(2) is amended for grammatical, style and clarity purposes. It is also amended to allow the Board to provide extensions, at its discretion if good cause exists, to licensees who are unable to complete sufficient hours of CE. Existing law only allowed the Board to completely exempt the licensee from the CE requirement if they were ill, incapacitated, or there was an unavoidable circumstance. Board staff has found that this is not practical and each situation should be handled on a case by case basis. Oftentimes, licensees only need more time to complete their full 50 hours of CE, and this proposal will give them the opportunity to do so.

Sub-sections (i)(3) and (j) is amended for grammatical, style and clarity purposes.

Sub-section (k) is completely removed since, effective January 1, 2007, Senate Bill 579 (Aanestad, Chapter 302, Statutes of 2007) eliminated CPR certification as a condition for renewal of an optometric license.

Note: Authority cited section is amended to remove section 3023.1. This statutory authority was repealed in 2004 and thus, no longer applies.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Cost/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None

Business Impact:

The Board of Optometry has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

Impact on Jobs/New Businesses:

The Board of Optometry has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination

of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses. The regulation is increasing continuing optometric education opportunities, but is not requiring them.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this notice.

Any interested person may present written statements relevant to the above determinations to the Board of Optometry at the address referred to below.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Optometry at 2420 Del Paso Road, Suite 255, Sacramento, California 95834, or from the Board of Optometry web-site at www.optometry.ca.gov.

**AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulation is based is contained in the rulemaking file, which

is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web-site listed below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Andrea Leiva
Address: 2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Telephone Number: (916) 575-7182
Fax Number: (916) 575-7292
E-mail Address: andrea_leiva@dca.ca.gov

The backup contact person is:

Name: Mona Maggio
Executive Officer
Address: 2420 Del Paso Road, Suite 255
Sacramento, CA 95834
Telephone Number: (916) 575-7176
Fax Number: (916) 575-7292
E-mail Address: mona_maggio@dca.ca.gov

Optometry Board web-site access: Information regarding this proposal can be found at www.optometry.ca.gov, click on "Laws and Regulations", then "Proposed Regulations".

TITLE 19. STATE FIRE MARSHAL

NOTICE OF PROPOSED RULEMAKING

**OFFICE OF THE STATE FIRE MARSHAL
California Code of Regulations Title 19**

The State Fire Marshal proposes to adopt the proposed regulations described below after considering all comments, objections or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

The State Fire Marshal will accept written comments regarding this regulatory action from July 2, 2010 until 5:00 p.m. on August 16, 2010. Please address your comments to:

OFFICE OF THE STATE FIRE MARSHAL
P.O. Box 944246
Sacramento, CA 94244-2460
Attention: Diane Arend
Or by e-mail to
diane.arend@fire.ca.gov

Or you may fax your comments to:

Attention: Diane Arend
(916) 327-4998

PUBLIC HEARING

The State Fire Marshal has not scheduled a public hearing on this proposed action, however, a public hearing will be held if a written request is received from any interested party or their authorized representative no later than 15 days before the end of the 45-day comment period.

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section 19818 with reference to 19818, Health and Safety Code.

INFORMATIVE DIGEST — POLICY STATEMENT OVERVIEW

The State Fire Marshal proposes to amend Title 19 Section 1160.10 to delete reference to National Fire Protection Association (NFPA) Standard Number 702-75, and instead reference Title 16, Code of Federal Regulations, Chapter II, Subchapter D.

Health and Safety Code Section 19818 mandates the State Fire Marshal to adopt flammability standards and promulgate regulations relating to the use of fabric and fabric-like materials in items including, but not limited to examination gowns, sleepwear, sheets, and pillowcases, used in acute general hospitals and acute psychiatric hospitals or in skilled nursing facilities and intermediate care facilities.

Current regulations state that fabric or fabric-like materials used in examination gowns and sleepwear be tested in accordance with NFPA 702. However, NFPA 702 has been repealed by NFPA and NFPA now defers to Title 16, Code of Federal Regulations, Chapter II, Subchapter D as the test standard for fabrics formerly tested to NFPA 702. The State Fire Marshal proposes to amend current Title 19 regulations to delete the reference to NFPA 702 and instead reference Title 16, Code of Federal Regulations, Chapter II, Subchapter D.

The State Fire Marshal utilized the State Fire Marshal Flame Retardant Advisory Committee to analyze the

proposed amendments and they agree with the proposed amendments.

Proposed Title 19 Modified Sections

Title 19, Section 1160.10 is being proposed to be amended to delete reference to NFPA 702 and instead cite Title 16, Code of Federal Regulations, Chapter II, Subchapter D. In addition Section 1160.10 exceptions addressing NFPA 702 issues are being repealed since those issues are already addressed in Title 16, Code of Federal Regulations, Chapter II, Subchapter D.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following determinations:

1. Mandate on local agencies and school districts: **None**
2. Cost or savings to any other State agency: **None**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Section 17561: **None**
4. Other non-discretionary cost or savings imposed upon local agencies: **None**
5. Cost or savings in federal funding to the State: **None**
6. Significant adverse economic effect directly effecting business, including the ability of California businesses to compete with businesses in other States: **None**
7. Cost impact on private persons or directly affected businesses: The State Fire Marshal is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Adoption of these regulations will not:
 - a) create or eliminate jobs within California;
 - b) create new businesses or eliminate existing businesses within California; or
 - c) affect the expansion of businesses currently doing business within California.
8. Significant effect on housing costs: **None**

SMALL BUSINESS EFFECTS

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. There is no effect on small business because small businesses are not involved in the testing of these fabrics.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5 subdivision (a)(13), the State Fire Marshal must determine that no reasonable alternative considered by it or that has otherwise been identified and brought to the attention of the Agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based may be directed to:

Diane Arend, Senior Deputy State Fire Marshal
Telephone: (916) 324-9592
Fax: (916) 445-8459
Email: diane.arend@fire.ca.gov

Alternate Contact:

Jeannie Smith, Deputy State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 445-8533
E-mail: jeannie.smith@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of this date, this notice is published in the Notice Register. The State Fire Marshal rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the final statement of reasons upon which the changes are based is available from the contact person as shown. Copies may be obtained from the contact person at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day comment period, the State Fire Marshal may adopt the proposed regulations substan-

tially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes indicated — shall be made available to the public for at least 15 days before the State Fire Marshal adopts (amends or repeals) the regulations as revised. Requests for copies of any modified regulations should be sent to Diane Arend at the address indicated above. The State Fire Marshal will accept written comments on the modified regulations for 15 days after the date on which they are made available.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Diane Arend at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of proposed regulations, highlighted in underline and strikeout, can be accessed through our web-site at <http://osfm.fire.ca.gov>. Review of the referenced standard may be accessed through the US law web-site at http://law.justia.com/us/cfr/title16/16cfrv2_02.html.

GENERAL PUBLIC INTEREST

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or CEIR has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P.O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P.O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P.O. Box 925
Middletown, CA 95461

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication July 2, 2010
CESA CONSISTENCY DETERMINATION

REQUEST FOR
Norwood Avenue Bridge Replacement at Arcade
Creek Project (2080–2010–023–02)
Sacramento County

The Department of Fish and Game (Department) received a notice on June 16, 2010 that the California Department of Transportation (Caltrans) proposes to rely on a consultation with the U.S. Fish and Wildlife Service (Service) to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). Caltrans and the City of Sacramento (City) propose to replace the existing Norwood Avenue reinforced concrete slab bridge at Arcade Creek with a new concrete slab bridge (Project). The new bridge will be approximately 350 feet long and approximately 58 feet wide, and consist of two 12 foot wide lanes, two 8 foot wide shoulders/bike-lanes, and two 6 foot wide sidewalks. The proposed project will widen the bridge by shifting the alignment of the bridge slightly to the west. A gravel access road will be built underneath the bridge to provide access for levee maintenance.

Project activities will result in the permanent loss of 0.428 acre and temporary loss of 0.857 acre of habitat suitable for the giant garter snake, (*Thamnophis gigas*). The Project could also result in direct mortality, injury, or harassment of individual giant garter snakes. The Service appended the proposed project to a “no jeopardy” federal biological opinion (81420–2009–F–0134–1) and incidental take statement (ITS) on December 10, 2008, and reinitiated consultation on March 12, 2010 (81420–2009–F–0134–R001). The Service’s consultation with Caltrans considered the effects of the project on the State and federally threatened giant garter snake.

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS as amended are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —

Public Interest Notice

For Publication July 2, 2010

CESA CONSISTENCY DETERMINATION

REQUEST FOR

Santa Maria Public Airport District Master Plan

Update Phase I Project

(2080–2010–025–05)

Santa Barbara County

The Department of Fish and Game (Department) received a notice on June 22, 2010 that the Santa Maria Public Airport District proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action involves (1) extension of runway 12/30 by 1,700 feet; (2) construction of a 1,000-foot runway safety area (RSA) at the end of runway 12; (3) extension and connection of west parallel taxiway A by 1,700 feet; (4) relocation of the instrument landing system and glide slope indicator; (5) relocation of the perimeter fence near the extended runway; (6) paving of a new service road parallel to the relocated perimeter fence; (7) grading for the RSA and object free area (OFA); (8) import of fill for the runway extension, taxiway extension, RSA, and OFA; (9) repainting of runway markings; and (10) construction of a new storm drain system. The proposed action would also involve aviation support facility actions, including: (1) construction of a rental car wash area, fuel facility, and parking; (2) demolition of the existing Axbort Rescue Firefighting Station (ARFF); (3) grading for additional parking at the ARFF; and (4) construction of a new ARFF station (Project).

Project activities will result in the permanent loss of 77 acres of suitable upland dispersal habitat for the California tiger salamander (*Ambystoma californiense*). The Project could also result in direct mortality, injury, or harassment of individual California tiger salamanders in the Project disturbance area. The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (81440–2009–F–0303)(BO) and incidental take statement (ITS) to the Federal Aviation Administration on December 10, 2009 which considered the effects of the project on the Federally threatened and State candidate California tiger salamander.

On March 3, 2010, the California Fish and Game Commission, the California constitutionally established entity with exclusive statutory authority to designate species as protected under CESA, determined that listing California tiger salamander as a threatened spe-

cies under state law is warranted. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, §§ 2070, 2075.5(2).) Consistent with the Commission’s determination, California tiger salamander will be added to the list of species designated as threatened under CESA following the completion of related formal rulemaking by the Commission under the Administrative Procedure Act (Gov. Code, § 11340 et seq.). (See also Fish & G. Code, 2075.5(2); Cal. Code Regs., tit. 14, 670.1, subd. (j), 670.5, subd. (b).) In the interim, California tiger salamander will remain a candidate species protected under CESA. (Fish & G. Code, 2085; Cal. Reg. Notice Register 2009, No. 8–Z, p. 284.)

Pursuant to California Fish and Game Code Section 2080.1, the Santa Maria Public Airport District is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the Santa Maria Public Airport District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —

Public Interest Notice

For Publication July 2, 2010

CESA CONSISTENCY DETERMINATION

REQUEST FOR

Burson Rehabilitation Project (2080–2010–022–02)

Calaveras County

The Department of Fish and Game (Department) received a notice on June 16, 2010 that the California Department of Transportation (Caltrans) proposes to rely on a consultation with the U.S. Fish and Wildlife Service (Service) to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves the rehabilitation and widening of a 6.9 mile section of State Route (SR) 12, between the communities of Wallace and Valley Springs in Calaveras County (Project). The purpose of the Project is to improve vehicular traffic safety, as existing conditions and structures fail to adhere to current safety standards.

Project activities will result in the permanent loss of 1.7 acres of habitat suitable for the California tiger salamander (*Ambystoma californiense*). The Project could also result in direct mortality, injury, or harassment of individual California tiger salamanders. The Service issued a “no jeopardy” federal biological opinion (81420–2009–F–0710–1)(BO) and incidental take statement (ITS) to Caltrans on August 20, 2009 which

considered the effects of the project on the Federally threatened and State candidate California tiger salamander.

On March 3, 2010, the California Fish and Game Commission, the California constitutionally established entity with exclusive statutory authority to designate species as protected under CESA, determined that listing California tiger salamander as a threatened species under state law is warranted. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, §§ 2070, 2075.5(2).) Consistent with the Commission's determination, California tiger salamander will be added to the list of species designated as threatened under CESA following the completion of related formal rulemaking by the Commission under the Administrative Procedure Act (Gov. Code, § 11340 et seq.). (See also Fish & G. Code, 2075.5(2); Cal. Code Regs., tit. 14, 670.1, subd. (j), 670.5, subd. (b).) In the interim, California tiger salamander will remain a candidate species protected under CESA. (Fish & G. Code, 2085; Cal. Reg. Notice Register 2009, No. 8–Z, p. 284.)

Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the California Department of Transportation will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest Notice

For Publication July 2, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Airfield Park Project (2080–2010–024–03)
Sonoma County

The Department of Fish and Game (Department) received a notice on June 14, 2010 that the City of Santa Rosa proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action involves construction of a neighborhood park, removal of petroleum hydrocarbon affected soil at the park site, and construction of a California tiger salamander (*Ambystoma californiense*) preserve site which includes construction of 2 wildlife passage tunnels under Fresno Avenue (Project).

Project activities will result in the permanent loss of 2.87 acres and temporary loss of 3.70 acres of habitat

suitable for the California tiger salamander. The Project could also result in direct mortality, injury, or harassment of individual California tiger salamanders in the Project disturbance area. The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (81420–2009–F–0343)(BO) and incidental take statement (ITS) to the U.S. Environmental Protection Agency on June 8, 2010 which considered the effects of the project on the Federally threatened and State candidate California tiger salamander.

On March 3, 2010, the California Fish and Game Commission, the California constitutionally established entity with exclusive statutory authority to designate species as protected under CESA, determined that listing California tiger salamander as a threatened species under state law is warranted. (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, §§ 2070, 2075.5(2).) Consistent with the Commission's determination, California tiger salamander will be added to the list of species designated as threatened under CESA following the completion of related formal rulemaking by the Commission under the Administrative Procedure Act (Gov. Code, § 11340 et seq.). (See also Fish & G. Code, 2075.5(2); Cal. Code Regs., tit. 14, 670.1, subd. (j), 670.5, subd. (b).) In the interim, California tiger salamander will remain a candidate species protected under CESA. (Fish & G. Code, 2085; Cal. Reg. Notice Register 2009, No. 8–Z, p. 284.)

Pursuant to California Fish and Game Code Section 2080.1, the City of Santa Rosa is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, the City of Santa Rosa will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT/ ENVIRONMENTAL IMPACT STATEMENT

Klamath Hydroelectric Settlement Agreement Analysis Including the Secretarial Determination on Whether to Remove Four Dams on the Klamath River in California and Oregon

To Responsible and Trustee Agencies and All Interested Parties:

To address long-standing disputes over scarce water resources and fisheries restoration in the Klamath Basin, Klamath River Basin stakeholders, including the Department of Fish and Game (Department), nego-

tiated and signed the Klamath Basin Restoration Agreement (KBRA) and the Klamath Hydroelectric Settlement Agreement (KHSA) (both documents are available on-line at www.KlamathRestoration.gov).

Representatives of more than 30 organizations, including Federal agencies, California and Oregon, Indian tribes, counties, irrigators and conservation and fishing groups participated in the Klamath settlement process to develop a comprehensive solution for the Klamath Basin. The first parties signed the KBRA and KHSA on February 18, 2010.

The KBRA is intended to result in effective and durable solutions which will: 1) restore and sustain natural fish production and provide for full participation in harvest opportunities of fish species throughout the Klamath Basin; 2) establish reliable water and power supplies which sustain agricultural uses, communities, and National Wildlife Refuges; and 3) contribute to the public welfare and the sustainability of all Klamath Basin communities.

The KHSA lays out the process for additional studies, environmental review, and a decision by the Secretary of the Interior regarding whether removal of four dams owned by PacifiCorp: 1) will advance restoration of the salmonid fisheries of the Klamath Basin; and 2) is in the public interest, which includes but is not limited to consideration of potential impacts on affected local communities and tribes. The four dams are Iron Gate, J.C. Boyle, Copco 1 and Copco 2 dams on the Klamath River.

The KHSA includes provisions for the interim operation of the dams and the process to transfer, decommission, and remove the dams. The parties negotiated these agreements to resolve longstanding disputes among them regarding a broad range of natural resource issues.

The Department has determined that implementation of the KHSA, including the removal of four dams, and other activities described within the KHSA have the potential to cause significant adverse environmental effects. As a result, the Department and the Department of the Interior (DOI), through the Bureau of Reclamation, are preparing a joint Environmental Impact Report/Environmental Impact Statement (EIS/EIR) pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, and the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 *et seq.*), to evaluate whether to remove four dams on the Klamath River pursuant to the terms of the KHSA.

DOI will be responsible for the scope and content of the document for NEPA purposes and the Department will be responsible for the scope and content of the document for CEQA purposes.

Section 3.2.5 of the KHSA states:

“The State of California shall conduct CEQA review of Facilities Removal and associated actions prior to its decision whether to concur with an Affirmative Determination as provided in Section 3.3.5.A. To the extent practicable and as described in Section 3.2.2, the State and the Secretary shall consult and cooperate with the studies, environmental compliance and other actions, for the purpose of informing the State’s CEQA review. The California Department of Fish and Game shall be the lead agency for the CEQA review. The State shall use best efforts to complete its environmental review by March 31, 2012.”

In the event of an affirmative determination, the Secretary will also decide whether the DOI or a non-federal entity will serve as the Dam Removal Entity (DRE). The Governors of both California and Oregon will provide notice to the Secretary and other parties within 60 days whether each state concurs with the affirmative determination. In its concurrence decision, each state will consider whether: 1) significant impacts identified in its environmental review can be avoided or mitigated as provided under state law; and 2) if facilities removal will be completed within the state cost cap. If the Secretary selects a non-federal DRE, the states would also decide whether to concur with that selection.

The Department is the lead agency under CEQA. The Department has identified the North Coast Regional Water Quality Control Board, the State Water Resources Control Board (SWRCB), and Siskiyou County as responsible agencies because they may have discretionary approval over some activities the program will authorize (Cal. Code Regs., tit. 14, § 15381). A “trustee agency” is a state agency that has jurisdiction over natural resources held in trust for the people of the state that could be affected by a project (Cal. Code Regs., tit. 14, § 15386). The Department has identified the SWRCB, and the State Lands Commission as trustee agencies because they are state agencies that have jurisdiction by law over natural resources affected by the project.

The public and agencies are invited to comment on the scope and content of the EIS/EIR, including significant environmental issues, reasonable alternatives, and mitigation measures.

The EIS/EIR will identify thresholds of significance and significant impacts of the program and alternatives related to land use and planning; greenhouse gas emissions; agricultural and forestry resources; biological resources; aesthetics; geology and soils; mineral resources; hydrology and water quality; cultural resources; transportation/traffic; noise; air quality; hazards and hazardous materials; public services; utilities and service systems; population and housing; and recreation. The EIS/EIR will identify feasible mitigation measures to reduce potentially significant impacts on the environment.

The Department and DOI will conduct public scoping meetings to solicit comments concerning the issues, alternatives, and analyses to be considered in EIS/EIR. CEQA requires that any scoping comment be provided to the Department at the earliest possible date, but not later than 30 days after receipt of this notice.

Requests for information regarding the program and all responses to this notice should be sent to:

Caitlin Bean, Staff Environmental Scientist
California Department of Fish and Game
601 Locust Street
Redding, CA 96001
530-225-2273
KSDcomments@dfg.ca.gov

Three documents are attached to this notice. Attachment 1 provides an overview of the scoping process and the draft EIS/EIR schedule. Attachment 2 shows the location of the Klamath River Watershed. Attachment 3 shows the environmental factors potentially affected by the program that the EIS/EIR will address. No Initial Study was prepared; therefore, an Initial Study is not attached.

Date: June 17, 2010

/s/

MARK STOPHER, Acting Regional Manager
Northern Region
California Department of Fish and Game
530-225-2275

ATTACHMENT 1

Scoping and Public Information Meetings

The Department is seeking input on the scope and content of environmental information relevant to the evaluation of the implementation of the KHSA and the activities described within it. To that end, the Department will hold seven joint EIS/EIR public scoping meetings with DOI in California and Oregon on the following dates, times and locations:

- Wednesday, July 7, 2010, 10:00 am. to 1:00 p.m., Copco Community Center, 27803 Copco Road, Montague, CA 96064
- Wednesday, July 7, 2010, 6:00 p.m. to 9:00 pm, Yreka Community Center, 810 N. Oregon Street, Yreka, CA 96097
- Thursday, July 8, 2010, 6:00 p.m. to 9:00 p.m., Klamath County Fairgrounds, 3531 S. 6th Street, Klamath Falls, OR 97603
- Friday, July 9, 2010, 6:00 p.m. to 9:00 p.m., Chiloquin Community Center, 140 First Street, Chiloquin, OR 97624
- Tuesday, July 13, 2010, 6:00 p.m. to 9:00 p.m., Chetco Activities Center, 550 Chetco Way, Brookings, OR 97415
- Wednesday, July 14, 2010, 6:00 p.m. to 9:00 p.m., Arcata Community Center, 321 Community Park Way, Arcata, CA 95521
- Thursday, July 15, 2010, 6:00 p.m. to 9:00 p.m., Karuk Tribe Community Room, 39051 Highway 96, Orleans, CA 95556

The scoping meetings will provide an opportunity to the public and agencies to comment on the scope of the environmental analysis in the EIS/EIR, and to raise issues, concerns, and ideas regarding potential impacts of implementing the KHSA and the projects described within it, feasible mitigation measures, and possible alternatives. Oral and written comments will be accepted at the public meetings.

During the meeting an opportunity will be provided for participants to receive guidance regarding effective participation in the environmental review process. Workshop topics will include an overview of the environmental review process and information on the ways the public can participate in the process.

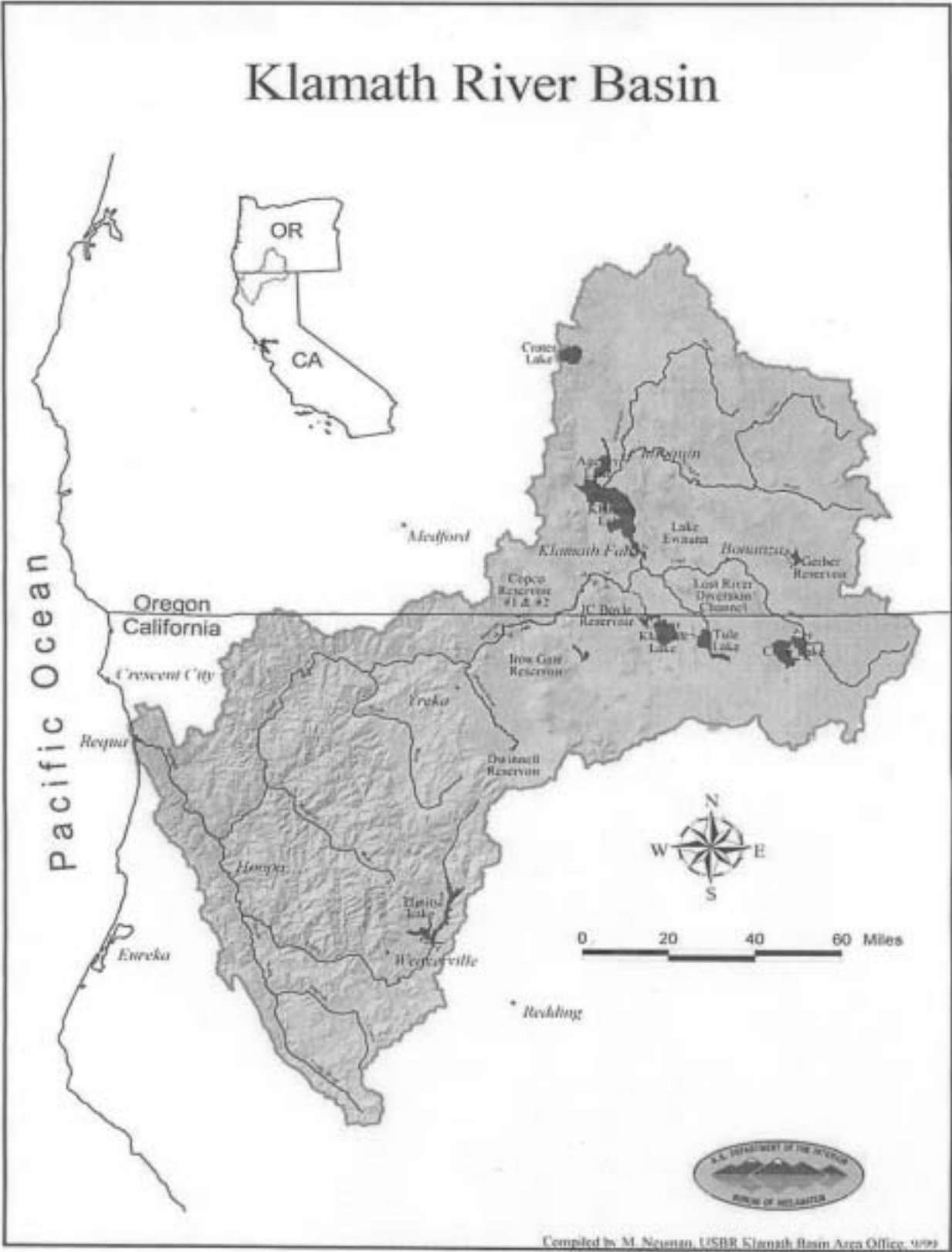
Draft EIS/EIR Schedule

The Draft EIS/EIR is scheduled for circulation in spring 2011.

Additional Information

A summary of the KHSA and KBRA may be obtained at <http://www.edsheets.com/>.

ATTACHMENT 2 - LOCATION



Attachment 3

ENVIRONMENTAL FACTORS
POTENTIALLY AFFECTED:

The environmental factors listed below could potentially be affected by this project and will be investigated in the EIS/EIR.

Aesthetics
Agriculture and Forestry Resources
Air Quality
Biological Resources
Cultural Resources
Geology/Soils
Greenhouse Gas Emissions
Hazards & Hazardous Materials
Hydrology/Water Quality
Land Use/Planning
Mineral Resources
Noise
Population/Housing
Public Services
Recreation
Transportation/Traffic
Utilities /Service Systems

**RULEMAKING PETITION
DECISION**

AIR RESOURCES BOARD

June 9, 2010

Mr. David Bearden
General Counsel
Renewable Fuels Association
One Massachusetts Avenue, N.W., Suite 820
Washington, D.C. 20001

Re: Petition for Rulemaking

Dear Mr. Bearden:

Thank you for your letter to Chairman Mary D. Nichols dated May 10, 2010. Chairman Nichols has asked that I respond on her behalf. In your letter, you petitioned, pursuant to Government Code section 11340.6, on behalf of Growth Energy for the Air Resources Board (ARB or Board) to amend the Low Carbon Fuel Standard (LCFS) regulation, codified in title 17, California Code of Regulations (CCR), sections 95480–95490. Specifically, you petitioned for amendments to section 95486.

After careful consideration of the facts associated with your request, pursuant to Government Code section 11340.7(b), I am denying your petition to amend the LCFS regulation at this time. However, pursuant to Board Resolution 09–31,¹ I will consider recommending possible changes to the regulation in the future based upon the work being done in conjunction with the Expert Workgroup we convened to assist the Board in refining and improving the land use and indirect effect analysis of transportation fuels. Below I provide further details on our denial of your petition.

Your requested “amendment 1” would take effect no later than December 31, 2010, and would eliminate the land use change carbon intensity of corn ethanol for two years, 2011 and 2012. With respect to this requested amendment, the Board has previously found that crop-based biofuel production does entail land use change impacts, and that those impacts do result in significant greenhouse gas emissions. See Board Resolution 09–31. In light of those findings, the Board determined that it would be remiss if it did not account for land–use change effects in the carbon intensities of crop-based biofuels. Moreover, in the April 2010 report released by Purdue for Argonne National Laboratories that you cited, the authors also conclude that “it is simply not credible to argue that there are no land use change implications of corn ethanol.” Your petition does not refute the Board’s finding that the land use change impacts result in significant greenhouse gas emissions, nor does it refute the study authors’ conclusion noted above. Thus, your petition presents an insufficient basis for eliminating the land–use change carbon intensity value for corn ethanol.

Alternatively, “amendment 2” of your petition would lower the indirect land–use carbon intensity value for corn ethanol to one of two values. This requested change is based on the Purdue study you cited in your petition, which we are currently reviewing. As discussed below, it is premature to make changes to the LCFS regulation based on this study. Our initial observation is that the Purdue model used for this study is not publicly available; as a result, a more detailed evaluation is not currently feasible at this time.

As part of the Purdue study, the authors varied a number of parameters which resulted in a range of land use carbon intensity values that are 1/3 to 1/2 lower than ARB’s published average value. However, the values are generally within the range of results that we found in running various sensitivities. ARB believes that this is important work and is being considered by the Expert Workgroup as part of its comprehensive evaluation.

¹ Resolution 09–31, April 23, 2009: See: <http://www.arb.ca.gov/regact/2009/lcfs09/res0931.pdf>

As noted, the Expert Workgroup was established at the direction of the Board in Resolution 09–31 upon the Board’s approval of the LCFS regulation. The Expert Workgroup is charged with refining and improving the land use and indirect effect analysis of transportation fuels. The Expert Workgroup includes individuals from diverse stakeholder groups such as government agencies, academic institutes (including Purdue University), national laboratories, the biofuel and oil industries, and environmental groups. The Expert Workgroup has formed eight (and potentially nine) subgroups that are actively evaluating all facets of the modeling, including comparative models. For more information on the Expert Workgroup, see the following link: <http://www.arb.ca.gov/fuels/lcfs/workgroups/ewg/expertworkgroup.htm>.

At the next Expert Workgroup meeting on June 17, 2010, Purdue University representatives will make a presentation on their work so that the Expert Workgroup members will have an understanding of the study, including the key assumptions. We have asked Purdue and Argonne National Laboratories to make the updated Global Trade Analysis Project version publically available for inspection and evaluation. When it becomes available, it is likely that ARB will use Purdue’s new work as one of the two baselines for evaluating the impact of inputs and assumptions. The assessment of the Expert Workgroup will be reflected in a report, including recommendations, that the Board will consider at the end of the year.

Because the Expert Workgroup will be assisting ARB staff in evaluating the Purdue study and that work has not yet commenced, it is premature to adopt Purdue’s recent work. And, as indicated, our understanding is that the model and the underlying details which will need to be considered for a full evaluation are not yet available. However, as mentioned above, we believe that assessing this study is an important part of our effort to evaluate developments regarding the indirect effects issue as directed by the Board.

Finally, you also requested an amendment that would take effect no later than September 30, 2010 and would require the Executive Officer to take final action on a Method 2A or 2B submittal under section 95486 within 90 days of his receipt of a complete submittal pursuant to Method 2A or 2B. In approving the LCFS regulation, the Board considered the need for an expeditious process for reviewing a Method 2A or 2B submittal and weighed that need against the public interest in being able to review the submittal in an open process. While we expect most submittals to be reviewed relatively quickly, in some cases, the complexity of a submittal may warrant a staff review that exceeds 90 days. There-

fore, the Board determined that the most appropriate balance of these considerations is reflected in the public review and final action provisions contained in section 95486(f). We believe the existing process in the regulation provides a necessary and appropriate balance between these two considerations and have therefore determined that your requested amendment would be inappropriate.

Based on the reasons discussed above, ARB believes that granting the requested changes specified in your petition would be inappropriate at this time. However, as noted, we are continuing to evaluate the ongoing developments in the field of land use and indirect effect analysis of transportation fuels. ARB will consider revisiting the need for updating the indirect effects carbon intensity value for corn ethanol when the Expert Workgroup completes its analysis.

In accordance with Government Code section 11340.7(d), a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. The agency contact person on this matter is Ms. Claudia Nagy, Staff Counsel, Office of Legal Affairs, at (916) 445–5501 or cnagy@arb.ca.gov. Any person who is interested in obtaining a copy of the petition may obtain it from her.

Sincerely,

/s/
James N. Goldstene
Executive Officer

cc: Ms. Claudia Nagy
Staff Counsel
Office of Legal Affairs

DISAPPROVAL DECISION

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of disapproval decisions are available at www.oal.ca.gov under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814–4339, (916) 323–6225 — FAX (916) 323–6826. Please request by OAL file number.

AIR RESOURCES BOARD

**State of California
Office of Administrative Law**

**In re:
Air Resources Board**

**Regulatory Action: Title 13
California Code of Regulations**

**Adopt sections: 2620, 2621, 2622, 2623, 2624, 2625,
2626, 2627, 2628, 2629, 2630**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2010-0504-02 S

SUMMARY OF REGULATORY ACTION

The Air Resources Board ("Board") proposed the adoption of eleven new sections in title 13 of the California Code of Regulations to implement the Enhanced Fleet Modernization Program ("EFMP"), encouraging the voluntary retirement of older passenger automobiles and light and medium duty trucks to help lessen the air pollution that results from their operation. On May 4, 2010, the Board submitted the proposed regulations to the Office of Administrative Law ("OAL") for review in accordance with the Administrative Procedure Act ("APA"). On June 16, 2010, OAL disapproved the proposed regulations. This Decision of Disapproval explains the reasons for OAL's action.

DECISION

OAL disapproved the proposed regulations for failure to meet the consistency standard of Government Code section 11349.1, subdivision (a). Proposed section 2624, subdivision (b) limits participation in the EFMP to a person who is the owner of a vehicle that is registered as an operable vehicle at the time of application. The record of the rulemaking does not support this interpretation of the Legislature's mandate that the Board adopt guidelines for a program allowing for the voluntary retirement of high polluting vehicles. Additionally, proposed section 2627, subdivision (a), would have provided a rudimentary procedure for the amendment of the geographic scope of the voucher program that is unauthorized because it would fall far short of compliance with the requirements of the APA applicable to the amendment of the regulation.

CONCLUSION

For the foregoing reasons OAL disapproved the Board's proposed adoption of sections 2620 through 2630 of title 13 of the CCR.

Date: June 23, 2010 /s/
David D. Potter
Senior Staff Counsel
FOR: SUSAN LAPSLEY
Director

Original: James Goldstene
Copy: Trini Balcazar

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010-0505-02
AIR RESOURCES BOARD
Landfill Methane Control Measure

The Air Resources Board adopted sections 95460 through 95476 in Title 17 of the California Code of Regulations to regulate methane emissions from municipal solid waste landfills.

Title 17
California Code of Regulations
ADOPT: 95460, 95461, 95462, 95463, 95464, 95465, 95466, 95467, 95468, 95469, 95470, 95471, 95472, 95473, 95474, 95475, 95476, Appendix 1
Filed 06/17/2010
Effective 06/17/2010
Agency Contact: Trini Balcazar (916) 445-9564

File# 2010-0506-03
AIR RESOURCES BOARD
AB 32 Administrative Fee Regulation

This regulatory action imposes fees to fund the cost of implementation of AB 32. The fees are based on a "common carbon cost" (CCC), which represents the cost of one metric ton of carbon dioxide emissions.

Title 17
California Code of Regulations
ADOPT: 95200, 95201, 95202, 95203, 95204,
95205, 95206, 95207 AMEND: 95104
Filed 06/17/2010
Effective 07/17/2010
Agency Contact: Amy Whiting (916) 322-6533

File# 2010-0608-01
BOARD OF ACCOUNTANCY
Peer Review Program

This is a readoption of the prior emergency regulatory action (OAL file no. 2009-1130-01E) that implemented AB 138 (Stats. 2009, c. 312) dealing with peer review for California-licensed accounting firms providing accounting and auditing services. These emergency regulations define terms specific to peer review and specify the requirements for Board recognition of a peer review program, standards for administering a peer review, extensions of time for fulfilling the peer review requirement, exclusions from the peer review program, document submission, enrollment and participation, notification of expulsion from a peer review program, reporting requirements for a Board-recognized peer review program provider, withdrawal of Board recognition, and records of Board proceedings.

Title 16
California Code of Regulations
ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2,
48.3, 48.5, 48.6
Filed 06/18/2010
Effective 06/30/2010
Agency Contact:
Matthew Stanley (916) 561-1792

File# 2010-0513-01
BOARD OF FORESTRY AND FIRE PROTECTION
Activity Center Clarification for NSO, 2010

In this regulatory action, the Board of Forestry and Fire Protection amends two of its regulations pertaining to the Northern Spotted Owl. The regulations being amended were issued under the Z'berg-Nejedly Forest Practice Act of 1973, govern timber harvesting plans and other timber-related plans, and are utilized to evaluate the effect of timber operations on Northern Spotted Owls. The amendments are primarily clarifying, including the removal of undefined terms and focusing on the use of the defined term "activity center."

Title 14
California Code of Regulations
AMEND: 919.9, 939.9
Filed 06/23/2010
Effective 01/01/2011
Agency Contact:
Christopher Zimny (916) 653-9418

File# 2010-0525-01
BOARD OF OPTOMETRY
Fingerprinting and Board Inquiry

This rulemaking adopts new article 5.1 with sections 1525, 1525.1 and 1525.2 in California Code of Regulations, Title 16 to require all licensees who have not previously submitted fingerprints to DOJ to complete a state and federal level criminal offender record information search through the DOJ before renewal of their license. This rulemaking also clarifies that prior to renewal licensees have to disclose whether there has been any disciplinary action against them and if they have any criminal convictions during the renewal cycle.

Title 16
California Code of Regulations
ADOPT: 1525, 1525.1, 1525.2
Filed 06/21/2010
Effective 06/21/2010
Agency Contact: Andrea Leiva (916) 575-7182

File# 2010-0517-01
BOARD OF PILOT COMMISSIONERS
Administrative Assistant/Secretary

This change without regulatory effect repeals provisions relating to the "Administrative Assistant/Secretary" to reflect the elimination of this position in the Harbors and Navigation Code.

Title 7
California Code of Regulations
AMEND: 202 REPEAL: 212
Filed 06/21/2010
Agency Contact: Terri Toohey (916) 768-5638

File# 2010-0615-02
**CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY**
California Capital Access Program for Small Business

This rulemaking action is the first readoption of emergency rules amending sections in Title 4 of the California Code of Regulations concerning the California Capital Access Program (CalCAP) for small businesses. In addition to the changes made by the initial emergency regulations which became effective on December 17, 2009, this readoption specifies that if previous CalCAP loans are combined, a new loan enrollment form must be submitted and any applicable fees must be paid. It also specifies that a participating financial institution's reimbursement claim may include reasonable out-of-pocket expenses, even if inclusion of these expenses results in a reimbursement claim which exceeds the enrolled amount of a qualified loan.

Title 4
California Code of Regulations
AMEND: 8070, 8072, 8073, 8074
Filed 06/21/2010
Effective 06/21/2010
Agency Contact: Kamika McGill (916) 654-2492

File# 2010-0608-02
DEPARTMENT OF HEALTH CARE SERVICES
Drug Medi-Cal Rates

This emergency regulatory action updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for Fiscal Year (FY) 2003-2004 through FY 2009-2010. There are also several non-substantive changes made through section 51516.1 of Title 22 of the California Code of Regulations.

Title 22
California Code of Regulations
AMEND: 51516.1
Filed 06/17/2010
Effective 06/17/2010
Agency Contact: Lori Manieri (916) 650-6825

File# 2010-0617-03
DEPARTMENT OF INDUSTRIAL RELATIONS
Conveyance Inspection Program Fee Increase

This emergency regulatory action amends Title 8 section 344.30 of the California Code of Regulations to update the fees for the inspection of elevators and other types of conveyances. This amendment increases the fees to cover the costs the agency incurs in performing inspections. Subsection (d) of Labor Code section 7314 provides that any fees required pursuant to that section shall be adopted as emergency regulations and shall not be subject to review by the Office of Administrative Law.

Title 8
California Code of Regulations
AMEND: 344.30
Filed 06/21/2010
Effective 06/21/2010
Agency Contact: Jon Wroten (916) 263-2803

File# 2010-0506-05
DEPARTMENT OF PESTICIDE REGULATION
Methods

This change without regulatory effect deletes Food and Agricultural Code section 12981 as an Authority and Reference citation in the regulation sections listed as being affected by this action. On January 25, 2008, regulations of the Department of Pesticide Regulation went into effect amending the limitations on fumigation of agricultural fields, further restricting materials,

methods, seasons, and time of application in order to reduce the emission of volatile organic compounds used in fumigation to the atmosphere and the resultant formation of ozone. Food and Agricultural Code section 12981 was listed as an Authority and Reference citation for this 2008 regulatory action, in addition to other statutory citations. Section 12981, however, deals with adopting regulations concerning restricting worker reentry into areas treated with pesticides determined to be hazardous to worker safety, handling of pesticides, hand washing facilities, farm storage and commercial warehousing of pesticides, protective devices (including, but not limited to, respirators and eyeglasses), and posting, in English and Spanish, of fields, areas, adjacent areas or fields, or storage areas regarding the use of pesticides. The 2008 regulations were not adopted to restrict working conditions to protect workers, but to meet state air quality objectives for pesticides.

Title 3
California Code of Regulations
AMEND: 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1
Filed 06/18/2010
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2010-0510-01
EMPLOYMENT DEVELOPMENT DEPARTMENT
Family Temporary Disability Insurance Benefits
Pending Approval

This change without regulatory effect makes an amendment to a form to correct a reference to the regulation section in title 22 where the form is incorporated by reference (section 2706-7).

Title 22
California Code of Regulations
AMEND: 2706-7
Filed 06/22/2010
Agency Contact: Laura Colozzi (916) 654-7712

File# 2010-0518-04
FAIR POLITICAL PRACTICES COMMISSION
Economic Interest, Defined: Source of Income

The Fair Political Practices Commission amends section 18703.3 of title 2 of the California Code of Regulations.

Title 2
California Code of Regulations
AMEND: 18703.3
Filed 06/17/2010
Effective 07/17/2010
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2010-0518-03
FAIR POLITICAL PRACTICES COMMISSION
Online Posting

The Fair Political Practices Commission (Commission) adopts section 18313.5 in title 2 of the California Code of Regulations. Section 18313.5 sets forth the information that the Commission will now post on its website.

Title 2
California Code of Regulations
ADOPT: 18313.5
Filed 06/17/2010
Effective 07/17/2010
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2010-0505-01
FRANCHISE TAX BOARD
Sales Factor. Sales Other Than Sales of Tangible Personal Property

This rulemaking action amends existing provisions governing sales other than sales of tangible personal property by establishing rules for including income-producing activities performed on behalf of a taxpayer in determining the cost of performance for sales assignment purposes.

Title 18
California Code of Regulations
AMEND: 25136
Filed 06/17/2010
Effective 07/17/2010
Agency Contact:
Colleen Berwick (916) 845-3306

File# 2010-0506-04
OFFICE OF THE STATE FIRE MARSHAL
Flamethrowing Devices

This rulemaking action implements Senate Bill 1781, Chapter 496 of 2004, which requires the Office of the State Fire Marshal to adopt regulations governing the application process, fees, and appeals process for flamethrowing device permits and renewals, and for the record-keeping responsibilities of permittees, and for the use, storage, and transportation of these devices.

Title 19
California Code of Regulations
ADOPT: 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067
Filed 06/17/2010
Effective 07/17/2010
Agency Contact: Diane Arend (916) 324-9592

File# 2010-0511-01
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; ORG Amendments

This rulemaking amends Title 2 section 1859.184 to add an additional application submittal date of July 30, 2010 for a future funding cycle for the Overcrowding Relief Grant (ORG) program. This program enables school districts to reduce the number of portable classrooms on eligible overcrowded school sites by replacing them with permanent classrooms.

Title 2
California Code of Regulations
AMEND: 1859.184
Filed 06/23/2010
Effective 06/23/2010
Agency Contact: Robert Young (916) 375-5939

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN January 20, 2010 TO
June 23, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
06/23/10 AMEND: 1859.184
06/17/10 AMEND: 18703.3
06/17/10 ADOPT: 18313.5
06/09/10 AMEND: Div. 8, Ch. 64, Sec. 55300
05/25/10 AMEND: div. 8, ch. 65, sec. 55400
05/11/10 AMEND: 18945
05/06/10 AMEND: 1859.2
05/03/10 AMEND: 60040, 60045
04/21/10 AMEND: 1859.96, 1859.148.2, 1859.166.2
04/08/10 AMEND: 1859.76
03/23/10 AMEND: 18351
03/19/10 ADOPT: 59670
03/19/10 AMEND: 18942 REPEAL: 18630
03/11/10 AMEND: 18932.4
02/24/10 AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02
02/23/10 AMEND: div. 8, ch. 16, sec. 37000
02/19/10 AMEND: 52400
02/11/10 ADOPT: 18421.9 AMEND: 18431
02/11/10 AMEND: 18950.3
02/09/10 ADOPT: 59660

01/26/10 ADOPT: 1899.570, 1899.575, 1899.580,
1899.585
01/25/10 AMEND: 58100

Title 3

06/18/10 AMEND: 6448, 6448.1, 6449, 6449.1,
6450, 6450.1, 6450.2, 6451, 6451.1
06/10/10 ADOPT: 429, 430 AMEND: 441
06/10/10 ADOPT: 3024.5, 3024.6, 3024.7, and
3024.8 AMEND: 3024, 3024.1, 3024.2,
3024.3, 3024.4, and 4603
06/09/10 AMEND: 3434(b), (c), (d), and (e)
06/07/10 AMEND: 4500
06/02/10 AMEND: 3435
06/01/10 AMEND: 3437(b)
05/24/10 AMEND: 3434(b)
05/17/10 AMEND: 3591.5(a)
05/17/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3,
3701.4, 3701.5, 3701.6, 3701.7, 3701.8
AMEND: 3407(e), 3407(f)
REPEAL: 3000, 3001, 3002, 3003, 3004
05/13/10 AMEND: 3437
05/04/10 AMEND: 3423(b)
05/04/10 AMEND: 3437(b)
05/04/10 AMEND: 3434(b)
05/03/10 AMEND: 3434(b), 3434(c) and 3434(d)
04/22/10 AMEND: 3434(b)
04/22/10 AMEND: 3406(b), 3406(c)
04/20/10 AMEND: 3437(b)
04/15/10 AMEND: 3434(b)
04/05/10 AMEND: 3434(b)
03/24/10 ADOPT: 3436
03/24/10 AMEND: 3588
03/17/10 AMEND: 3423(b)
03/15/10 AMEND: 3434(b)
03/10/10 AMEND: 3591.20(a)
03/10/10 AMEND: 3434(b)
03/04/10 AMEND: 3700(c)
03/04/10 AMEND: 3406(b)
03/03/10 REPEAL: 3279, 3433
03/03/10 AMEND: 3591.20
03/03/10 AMEND: 3406(b)
03/03/10 AMEND: 3423(b)
03/03/10 ADOPT: 3437
02/26/10 AMEND: 3435
02/18/10 AMEND: 3591.23
02/18/10 ADOPT: 3591.24
01/25/10 AMEND: 3434(b)
01/25/10 AMEND: 3406(b)
01/25/10 ADOPT: 1430.54, 1430.55, 1430.56,
1430.57

Title 4

06/21/10 AMEND: 8070, 8072, 8073, 8074
06/09/10 AMEND: 1689.1
06/01/10 AMEND: 10020

05/17/10 ADOPT: 12590 REPEAL: 12590
04/29/10 AMEND: 8034, 8035, 8042, 8043
04/13/10 ADOPT: 12350, 12351, 12352, 12353,
12354, 12355 AMEND: 12008, 12335,
12340, 12342, 12343 renumbered as and
merged with amended 12342, 12344
renumbered as and merged with amended
12345, and 12348 renumbered as 12346
REPEAL: 12347
04/06/10 ADOPT: 12372, 12395, 12396 AMEND:
12370
03/29/10 AMEND: 1685
03/29/10 AMEND: 1632
03/25/10 AMEND: 10175, 10176, 10177, 10178,
10179, 10180, 10181, 10182, 10185,
10187, 10188, 10190
03/15/10 ADOPT: 12482
02/01/10 AMEND: 1867
01/29/10 AMEND: 1866
01/27/10 AMEND: 10020
01/27/10 AMEND: 1890
01/27/10 AMEND: 1859
01/27/10 AMEND: 1843.6 and 1858

Title 5

06/09/10 AMEND: 19824, 19851, 19854
05/27/10 ADOPT: 80048.8, 80048.8.1, 80048.9,
80048.9.1, 80048.9.2, 80048.9.3
AMEND: 800.46.5, 80047, 80047.1,
80047.2, 80047.3, 80047.4, 80047.5,
80047.6, 80047.7, 80047.8, 80047.9,
80048.3, 80048.4, 80048.6 REPEAL:
80048.2
05/20/10 ADOPT: 30730, 30731, 30732, 30733,
30734, 30735, 30736
04/15/10 AMEND: 19816, 19816.1
04/12/10 REPEAL: 40503
04/12/10 AMEND: 42002
02/26/10 AMEND: 19824, 19851, 19854
02/01/10 ADOPT: 70030, 70040, 71135, 71320,
71390, 71395, 71400.5, 71401, 71475,
71480, 71485, 71640, 71650, 71655,
71716, 71750, 71760, 74110, 74115,
76020, 76140, 76212, 76240 AMEND:
70000, 70010, 70020, 71100, 71110,
71120, 71130, 71140, 71150, 71160,
71170, 71180, 71190, 71200, 71210,
71220, 71230, 71240, 71250, 71260,
71270, 71280, 71290, 71300, 71310,
71340, 71380, 71400, 71405, 71450,
71455, 71460, 71465, 71470, 71500,
71550, 71600, 71630, 71700, 71705,
71710, 71715, 71720, 71730, 71735,
71740, 71745, 71770, 71810, 71850,
71865, 71920, 71930, 74000, 74002,

74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905, 72910, 72915, 72920, 72930, 73000, 73010, 73100, 73110, 73120, 73130, 73140, 73150, 73160, 73165, 73170, 73180, 73190, 73200, 73210, 73220, 73230, 73240, 73260, 73270, 73280, 73290, 73300, 73310, 73320, 73330, 73340, 73350, 73360, 73380, 73390, 73400, 73410, 73420, 73430, 73440, 73470, 73480, 73500, 73520, 73530, 73540, 73550, 73600, 73610, 73620, 73630, 73640, 73650, 73660, 73670, 73680, 73690, 73700, 73710, 73720, 73730, 73740, 73750, 73760, 73765, 73770, 73780, 73790, 73800, 73820, 73830, 73831, 73832, 73850, 73860, 73870, 73880, 73890, 73900, 73910, 74008, 74010, 74014, 74016, 74018, 74020, 74030, 74040, 74050, 74100, 74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010		Title 7 06/21/10 AMEND: 202 REPEAL: 212
		Title 8 06/21/10 AMEND: 344.30 06/02/10 AMEND: 1590 05/25/10 AMEND: 1599 05/05/10 AMEND: 3308 04/06/10 AMEND: 2305.2, 2340.16, 2360.3, 2405.4, 2534.8 03/24/10 AMEND: 4301 03/10/10 AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B 02/03/10 AMEND: 5155 02/02/10 AMEND: 1549(h)
		Title 9 05/07/10 REPEAL: 3520 04/28/10 ADOPT: 4350 04/20/10 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533
		Title 10 06/09/10 AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725 06/01/10 AMEND: 2498.6 05/26/10 AMEND: 2699.6809 05/19/10 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507 05/04/10 AMEND: 2699.6625 04/28/10 AMEND: 2318.6 04/28/10 AMEND: 2318.6, 2353.1, 2354 04/28/10 AMEND: 2353.1 04/21/10 AMEND: 2699.202 04/21/10 AMEND: 2699.202 04/13/10 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10 04/12/10 AMEND: 2690 04/06/10 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10 04/01/10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003,
01/21/10	ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709	
01/21/10	ADOPT: 80034.1, 80034.2, 80034.3 AMEND: 80035, 80035.1, 80035.5	

1950.122.2, 1950.123, 1950.204.3,
1950.204.4, 1950.301, 1950.314.8,
1950.316, 1950.317 REPEAL: 1950.122

03/29/10 AMEND: 2202, 2203

03/18/10 ADOPT: 5500, 5501, 5502, 5503, 5504,
5505, 5506, 5507

02/23/10 ADOPT: 2756, 2758.1, 2758.2, 2758.3,
2758.4, 2758.5, 2758.6, 2758.7, 2945.1,
2945.2, 2945.3, 2945.4 AMEND: 2750,
2911

02/23/10 ADOPT: 2187, 2187.1, 2187.3, 2187.6,
2188.2.5, 2188.5.5, 2188.50(a),
2188.50(b), 2188.50(c), 2188.50(e),
2188.50(h) AMEND: 2186, 2186.1, 2187
(renumbered to 2187.3), 2187.1
(renumbered to 2187.2), 2187.2
(renumbered to 2187.7), 2187.3
(renumbered to 2187.4), 2187.4
(renumbered to 2187.5), 2188, 2188.1,
2188.2, 2188.3, 2188.4, 2188.5, 2188.23
(renumbered to 2188.50(d)), 2188.24
(renumbered to 2188.50(f)), 2188.83
(renumbered to 2188.50(g))

02/03/10 AMEND: 2695.85

01/21/10 ADOPT: 3575, 3576, 3577 AMEND:
3500, 3522, 3523, 3524, 3526, 3527,
3528, 3529, 3530, 3582, 3681, 3702,
3703, 3721, 3724, 3726, 3728, 3731,
3741

Title 11

06/09/10 AMEND: 1005, 1018

06/09/10 AMEND: 1005, 1007, 1008

05/19/10 AMEND: 20

04/21/10 AMEND: 1084

03/30/10 AMEND: 1084

Title 13

06/14/10 AMEND: 440.04

06/14/10 AMEND: 345.24, 345.40, 345.41,
345.46, 345.50 REPEAL: 345.42

06/07/10 AMEND: 152.00, 190.03

05/18/10 ADOPT: 1971.5 AMEND: 1968.2,
1971.1

04/27/10 AMEND: 1160.3, 1160.4

04/13/10 AMEND: 1201, 1212, 1213

04/05/10 ADOPT: 2408.1 AMEND: 2401, 2403,
2404, 2405, 2406, 2408, 2409

04/01/10 AMEND: 1961, 1961.1

04/01/10 AMEND: 1961, 1961.1

03/25/10 AMEND: 2480

03/04/10 ADOPT: 205.00, 205.02, 205.04, 205.06,
205.08, 205.10, 205.12, 205.14

03/03/10 AMEND: 423.00

02/22/10 AMEND: 350.36, 350.38, 350.40,
350.44, 350.46

Title 14

06/23/10 AMEND: 919.9, 939.9

05/26/10 AMEND: 7.50

05/03/10 AMEND: 820.01

04/30/10 AMEND: 27.80

04/27/10 AMEND: 632

04/20/10 AMEND: 895.1, 914.6, 934.6, 954.6,
1024, 1025, 1026, 1030, 1052, 1052.1,
1052.4, 1092, 1092.01, 1092.09, 1092.29

03/29/10 ADOPT: 18452.1 AMEND: 18449,
18450, 18451, 18453, 18453.2, 18454,
18455, 18456, 18456.1, 18456.2,
18456.3, 18456.4, 18457, 18459,
18459.1, 18459.1.2, 18459.2.1, 18459.3,
18460.1, 18460.1.1, 18460.2, 18461,
18462, 18463, 18464, 18466, 18831
REPEAL: 18456.2.1, 18460.2.1

03/10/10 AMEND: 670.5

02/23/10 AMEND: 1052(a)

02/18/10 AMEND: 155

02/16/10 ADOPT: 15064.4, 15183.5, 15364.5
AMEND: 15064, 15064.7, 15065,
15086, 15093, 15125, 15126.2, 15126.4,
15130, 15150, 15183, Appendix F,
Appendix G

02/09/10 ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74,
2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30,
5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81,
5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80,
27.92, 29.90, 700, 701

02/03/10 AMEND: 11960

02/01/10 AMEND: 1257

01/29/10 AMEND: 791.7, 792

01/28/10 AMEND: 2090, 2425, 2525, 2530

Title 15

05/25/10 AMEND: 3170.1(g), 3173.2(d)

05/25/10 AMEND: 3090, 3091, 3093, 3095

04/26/10 ADOPT: 3720, 3721, 3721.1, 3722, 3723

02/24/10 AMEND: 7001

02/16/10 ADOPT: 3540, 3541, 3542, 3543, 3544,
3545, 3546, 3547, 3548, 3560, 3561,
3562, 3563, 3564, 3565

02/02/10 ADOPT: 3054.3 AMEND: 3054, 3054.1,
3054.2, 3054.3 (renumbered to 3054.4),
3054.4 (renumbered to 3054.5), 3054.5
(renumbered to 3054.6), 3054.6
(renumbered to 3054.7)

01/25/10 ADOPT: 3042 AMEND: 3040, 3040.1,
3041, 3041.2, 3043, 3043.1, 3043.3,
3043.4, 3043.5, 3043.6, 3044, 3045,
3045.1, 3045.2, 3045.3 REPEAL: 3040.2

01/25/10 ADOPT: 3075.2(b)(4) through (b)(4)(C),
3075.3(c), 3505 AMEND: 3000, 3075.2,
3075.3, 3502, 3504

Title 16

06/21/10 ADOPT: 1525, 1525.1, 1525.2
 06/18/10 ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6
 06/07/10 ADOPT: 1702
 06/03/10 AMEND: 4180
 05/27/10 AMEND: 314
 05/20/10 AMEND: 1996.3, 1997
 05/19/10 AMEND: 3340.1
 05/13/10 ADOPT: 1399.615, 1399.616, 1399.617, 1399.618, 1399.619 AMEND: 1399.571
 05/04/10 ADOPT: 4175
 04/27/10 AMEND: 1399.152, 1399.153.3, 1399.160.3, 1399.160.4
 04/12/10 ADOPT: 3340.36.1
 03/29/10 ADOPT: 1355.4
 03/16/10 ADOPT: 311.1
 03/09/10 AMEND: 1016, 1017 REPEAL: 1016.1, 1017.1
 03/08/10 AMEND: 4100
 02/24/10 AMEND: 4120
 02/22/10 ADOPT: 2262.1 AMEND: 2262
 02/18/10 ADOPT: 50.1
 02/16/10 ADOPT: 318.1

Title 17

06/17/10 ADOPT: 95460, 95461, 95462, 95463, 95464, 95465, 95466, 95467, 95468, 95469, 95470, 95471, 95472, 95473, 95474, 95475, 95476, Appendix 1
 06/17/10 ADOPT: 95200, 95201, 95202, 95203, 95204, 95205, 95206, 95207 AMEND: 95104
 04/15/10 AMEND: 95480.1, 95481, 95486
 04/07/10 AMEND: 1031.2, 1031.3
 02/08/10 AMEND: 95362, 95365, 95366, 95367, 95368

Title 18

06/17/10 AMEND: 25136
 05/18/10 ADOPT: 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106, 4903
 05/13/10 AMEND: 1584
 05/13/10 AMEND: 1602.5, 1700
 05/11/10 REPEAL: 1525.7
 04/14/10 AMEND: 192, 193, 371
 03/30/10 ADOPT: 3500 AMEND: 2300, 2401, 3502, 4041, 4500, 4508, 4701, 4702, 4703, 4901
 03/19/10 ADOPT: 25101.3 AMEND: 25137-7
 03/17/10 AMEND: 1699
 03/16/10 AMEND: 312(a)
 03/16/10 AMEND: 1597
 01/25/10 AMEND: 2504, 2505, 2506, 2507, 2508, 2509, 2512, 2513, 2514, 2525, 2530,

2535, 2536, 2537, 2538, 2540, 2541, 2542, 2543, 2544, 2557, 2560, 2561
 01/20/10 AMEND: 5237, 5266

Title 19

06/17/10 ADOPT: 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067

Title 19, 26

05/12/10 AMEND: Title 19: 2402, 2407, 2411, 2413, 2415, 2425, 2443, 2444, 2450, 2501, 2510, 2520, 2530, 2540, 2570.2, 2571, 2573.1, 2573.2, 2573.3, 2575.1, 2575.2, 2576, 2576.1, 2577.2, 2577.3, 2577.5, 2577.6, 2577.7, 2577.8, 2578.1, 2578.2, 2578.3, 2703, 2705, 2724, 2729.2, 2731, 2735.1, 2735.3, 2735.4, 2735.5, 2745.1, 2745.10, 2750.2, 2750.3, 2765.2, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7, 2800, 2810, 2815, 2820, 2825, 2830, 2835, 2850, 2855, 2900, 2910, 2915, 2925, 2930, 2940, 2945, 2955, 2965, 2966, 2970, 2980, 2990, Title 26: 19-2510, 19-2520, 19-2530, 19-2540, 19-2703, 19-2705, 19-2724, 19-2731

Title 21

06/02/10 AMEND: 1411.1, 1411.7
 01/21/10 ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652

Title 22

06/22/10 AMEND: 2706-7
 06/17/10 AMEND: 51516.1
 05/25/10 AMEND: 66262.44
 05/19/10 AMEND: 100159, 100166, 100171
 05/18/10 ADOPT: 100102.1, 100103.1, 100103.2, 100106.1, 100106.2, 100107.1 AMEND: 100101, 100102, 100103, 100104, 100105, 100106, 100107, 100108, 100109, 100110, 100111, 100112, 100113, 100114, 100115, 100116, 100117, 100118, 100119, 100120, 100121, 100122, 100123, 100124, 100125, 100126, 100127, 100128, 100129, 100130
 05/18/10 ADOPT: 100059.1, 100061.2 AMEND: 100057, 100058, 100059, 100059.2, 100060, 100061, 100061.1, 100062, 100063, 100063.1, 100064, 100064.1, 100065, 100066, 100067, 100068, 100069, 100070, 100071, 100072,

	100073, 100074, 100075, 100076, 100077, 100078, 100079, 100080, 100081, 100082, 100083	89231, 89234, 89235, 89240, 89242, 89244, 89246, 89252, 89254, 89255, 89255.1, 89256, 89286, 89317, 89318, 89319, 89323, 89361, 89370, 89372, 89373, 89374, 89376, 89377, 89378, 89379, 89387, 89387.1 renumbered as 89387(h), 89387.2, 89388, 89400, 89405, 89410, 89420, 89421, 89465, 89468, 89469, 89475, 89510.1, 89510.2, 89565.1, 89566, 89569.1, 89572.2, 89587.1 REPEAL: 89245, 89261, 89570.1
05/18/10	ADOPT: 100340, 100341, 100342, 100343, 100343.1, 100343.2, 100343.3, 100344, 100345, 100346, 100346.1, 100347, 100348, 100349	
05/18/10	ADOPT: 100202.1, 100206.1, 100206.2, 100206.3, 100206.4, 100208.1, 100211.1, 100214.1, 100214.2, 100214.3 AMEND: 100201, 100202, 100203, 100204, 100205, 100206, 100207, 100208, 100209, 100210, 100211, 100212, 100213, 100214, 100215, 100216, 100217 REPEAL: 100218	02/04/10 ADOPT: 84074 AMEND: 83074, 83087, 84087, 84274, 86074, 86087, 86574, 89374
05/12/10	ADOPT: 5300, 5400 AMEND: 5002, 5010, 5052, 5055, 5062, 5102, 5105	Title 23
05/12/10	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306	05/20/10 ADOPT: 2910 REPEAL: 2910
05/06/10	AMEND: 66273.36	03/10/10 AMEND: 3005
04/08/10	AMEND: 50778	03/04/10 ADOPT: 2631.2
04/05/10	AMEND: 4446.5	02/25/10 ADOPT: 3919.6
03/03/10	AMEND: 70055, 70577, 70703, 70706, 70707, 70717, 70749, 70751, 70753, 71053, 71203, 71205, 71503, 71507, 71517, 71545, 71551, 71553, 72091, 72109, 72303, 72311, 72315, 72319, 72337, 72413, 72423, 72433, 72453, 72461, 72471, 72515, 72523, 72525, 72528, 72543, 72547, 73077, 73089, 73301, 73303, 73311, 73313, 73315, 73325, 73329, 73399, 73409, 73449, 73469, 73479, 73489, 73517, 73519, 73523, 73524, 73543, 73547, 79315, 79351, 79637, 79689	02/24/10 ADOPT: 3919.7
02/24/10	ADOPT: 97177.10, 97177.15, 97177.20, 97177.25, 97177.30, 97177.35, 97177.45, 97177.50, 97177.55, 97177.60, 97177.65, 97177.67, 97177.70, 97177.75, 97199.50, 97200 AMEND: 97170, 97172, 97174, 97176, 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97194 (renumbered as 97199), 97196, 97198	02/22/10 ADOPT: 2631.2
02/23/10	AMEND: 7000	01/26/10 AMEND: 3939.10
01/27/10	AMEND: 4402.2, 4406, 4409, 4420, 4420.5, 4426	Title 25
01/21/10	AMEND: 455.5-6, 455.5-7, 455.5-8	06/11/10 AMEND: 8315
Title 22, MPP		05/25/10 AMEND: 7966, 7970
03/04/10	ADOPT: 89475.1, 89475.2 AMEND: 89200, 89201, 89202, 89205, 89206, 89207, 89218, 89219, 89219.1, 89219.2, 89224, 89226, 89227, 89228, 89229,	03/26/10 AMEND: 10001
		02/25/10 ADOPT: 6200, 6201, 6202, 6203
		01/29/10 AMEND: 5000, 5001, 5002, 5010, 5011, 5012, 5013, 5020, 5020.5, 5021, 5022, 5023, 5023.5, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5032, 5034, 5036, 5038, 5040, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5060, 5061, 5062, 5063, 5070, 5071, 5072, 5073, 5080, 5081, 5082, 5082.5, 5083, 5090, 5094, 5301, 5302, 5304, 5306, 5308, 5310, 5312, 5314, 5316, 5318, 5320, 5322, 5324, 5326, 5328, 5332, 5336, 5338, 5340, 5342, 5344, 5346, 5348, 5350, 5352, 5354, 5356, 5360, 5362, 5364, 5366, 5368 REPEAL: 5042
		Title 27
		04/09/10 ADOPT: 22100, 22101, 22103, Division 2 Form CalRecycle 114 AMEND: 20164, 21200, 21570, 21640, 21685, 21820, 21840, 21865, 21880, 22102, 22211, 22220, 22221, 22231, 22234, 22245, 22248, Division 2 Appendix 3, Division 2 form Calrecycle 100, Division 2 form Calrecycle 106
		03/10/10 AMEND: 25903

CALIFORNIA REGULATORY NOTICE REGISTER 2010, VOLUME NO. 27-Z

Title MPP

06/10/10	AMEND: 42-302, 42-712, 42-713	22-009, 45-302, 45-303, 45-304, 45-305, 45-306
06/02/10	AMEND: 19-005	02/26/10 ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
05/17/10	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501	01/29/10 ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140
05/17/10	AMEND: 44-211	
05/10/10	AMEND: 11-425, 22-001, 22-003,	